UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:23-CV-00050-MOC-SCR

FRANCIS J. FARINA,)
Plaintiff,)))
v.	ORDER
MAZDA MOTOR OF AMERICA, INC., et. al.,)))
Defendants.)

THIS MATTER is before the Court on Defendants' "Joint Motion to Dismiss ..." (Doc. No. 20) filed March 24, 2023, and Plaintiff's "Motion for Leave to Amend Complaint" (Doc. No. 23) filed April 7, 2023.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or "if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2).

Plaintiff moved for leave to amend within 21 days following receipt of Defendants' Motion to Dismiss. No Answer has been filed. Accordingly, the amendment is as a matter of course. Fed. R. Civ. P. 15(a)(1)(B).

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. <u>Hall v. Int'l Union, United Auto.</u>, Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011); <u>Young v. City of Mount Ranier</u>, 238 F.3d 567, 572-73 (4th Cir. 2001).

IT IS THEREFORE ORDERED that:

- 1. Plaintiff's "Motion for Leave to Amend Complaint" (Doc. No. 23) is **GRANTED**. Plaintiff shall file an Amended Complaint within five days of this Order.
- 2. Defendants' "Joint Motion to Dismiss ..." (Doc. No. 20) is administratively **DENIED** as moot without prejudice.
- 3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: May 1, 2023

Susan C. Rodriguez
United States Magistrate Judge